



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** July 5, 2011

**SUBJECT:** BZA Case No.18253, 213 Eighth Street, NE

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) has no objection to this application being considered under 11DCMR §3118's rules for expedited review.

OP recommends **approval** of this application to permit the extension of an existing non-conforming side court as part of the replacement of an existing rear addition with a new rear addition. Under the provisions of 11 DCMR § 223, the applicant is requesting a special exception for relief as follows:

- § 406, open court width: (3.2 feet proposed; 6 feet required).
- §2001.3 – restriction on expansion of non-conforming aspect of a structure.

### **II. AREA AND SITE DESCRIPTION**

<b>Address:</b>	213 8 <sup>th</sup> Street, NE
<b>Legal Description:</b>	Square 917, Lot 84
<b>Ward:</b>	6 (ANC 6A)
<b>Zoning:</b>	R-4
<b>Lot Characteristics:</b>	Rectangular, flat. Width is non-conforming.
<b>Adjacent Properties:</b>	Row houses
<b>Neighborhood Character:</b>	Row house and moderate density residential
<b>Historic Preservation:</b>	Capitol Hill

### **III. APPLICATION IN BRIEF**

The applicant wishes to demolish an existing rear addition and projecting balcony and construct a new addition within approximately the same outlines as the combination of the existing addition and balcony. (See Applicant's Sheet A201 and A202).

To do this the applicant has applied for relief to extend the existing non-conforming open court on the west side of the building by three feet.



#### IV. ZONING REQUIREMENTS and REQUESTED RELIEF

+++ Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 ft. max.	23.6 ft.	23.6 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16 ft.	16 ft.	Grandfathered existing non-conformity
Lot Area (sq.ft.) § 401	1800 sq.ft. min.	1872sq.ft.	1872 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	n/a	n/a	None required
Lot Occupancy § 403	60% max.	51%	51%	None required
Rear Yard (ft.) § 404	20 ft. min.	57.2 ft.	57.2 ft.	None required
Side Yard (ft.) § 405	None required.	0 ft.	0 ft.	None required
Open Court § 406	6.0 ft. min.	3.2 ft.	3.2 ft.	47%

#### V. OFFICE OF PLANNING ANALYSIS

##### a. Special Exception Relief pursuant to § 223

###### i. Particular to § 223

- a. No undue impact on adjacent properties' light and air available: There would not be any. The new addition would be three feet longer, and no taller, than the existing addition.
- b. No undue compromise to adjacent properties' privacy or enjoyment of use: There would be none. The existing addition has one west-facing window and a second floor balcony. The new addition will have no windows facing either adjacent property, and would have no balcony affording views into the rear of neighboring properties.
- c. No substantial intrusion on context of existing houses from street or alley. None. The addition will not be visible from a street and is more compatible than the existing addition when viewed from the alley. The design has been reviewed by HPRB staff.
- d. Graphical representations included. Yes.

###### ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

Yes. The structure remains a single family house within its existing height and bulk. The addition would not expand the height or lot occupancy of the house.

###### iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

No. Both of the adjacent neighbors have filed letters supporting the application.

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<sup>1</sup> Information provided by applicant.

**b. Section 2001.3**

The structure conforms to lot occupancy and use requirements. Although it would extend the existing non-conformity by three feet, the Board has typically evaluated this type of request within the context of § 223.

**VI. HISTORIC PRESERVATION**

At its April 2010 meeting the Historic Preservation Review Board voted to approve the plans for the new addition.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

OP is not aware of comments from any other District agency.

**VIII. COMMUNITY COMMENTS**

The applicant has informed OP that ANC 6A's planning and zoning committee voted unanimously on June 15 to recommend the full ANC support the project. The file did not contain a recommendation from the ANC at the time this report was written.

Jls/slc

Steve Cochran, project manager